

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 6-27-2016
TIME: 11:49 a.m. (34 minutes)

Weinstein v. Krumpster et al.,
CV 14-7210 (ADS) (AKT)

TYPE OF CONFERENCE: **MOTION HEARING/ORAL ARGUMENT**

APPEARANCES: Plaintiff Robert T. Bean
Defendant Ralph J. Reissman

FTR: 11:49-12:23

THE FOLLOWING RULINGS WERE MADE:

1. The Court heard oral argument today on two pending discovery motions. *See* DE 29, DE 36. As a preliminary matter, the Court noted that Defendants' counsel filed his opposition to both motions more than 10 days after the deadline to do so had passed. Going forward, the Court will not continue to accept late filings without Court authorization and will take further action as warranted.
2. Based on the arguments presented today, the Court has **RESERVED DECISION** on Plaintiff's motion to compel [DE 29].
3. With respect to the March 30, 2016 letter motion [DE 36], Plaintiff seeks an extension of the March 30, 2016 discovery deadline as well as the imposition of sanctions against Defendants based on their failure to produce defendants Acting Police Commissioner Thomas C. Krumpster and Chief of Police Steven E. Skrynecki for deposition. In response, Defendants offered to produce Lt. Robert Kaufmann of the Nassau County Police Academy in place of Krumpster and Skrynecki. *See* DE 37. Defendants assert that Lt. Kaufmann is the most knowledgeable witness about the Police Department procedure at issue in this case – "OPS 10023, Removal and Disposition of Weapons – Domestic Incidents/Threat to Public Safety" – which went into effect on May 11, 2012. Defendants have also moved for a protective order pursuant to Fed. R. Civ. P. 26(c) precluding Plaintiff from deposing defendants Krumpster and Skrynecki. *See id.* Notwithstanding the fact that Lt. Kaufmann's deposition was taken on April 26, 2016 while this motion was pending, Plaintiff's counsel still seeks to depose Krumpster and Skrynecki.

After hearing from the parties and for the reasons stated in the record during today's hearing, Defendants' motion for a protective order is **GRANTED**, in part, to the extent it seeks to preclude the deposition of defendant Krumpster, who was not Acting Police Commissioner when OPS 10023 went into effect. However, the Court will permit Plaintiff to depose defendant Skrynecki. This deposition is focused on Plaintiff's *Monell* claim and the implementation of OPS 10023. The Court expects counsel to cooperate in getting defendant Skrynecki's deposition scheduled and completed expeditiously, and no later than **August 5, 2016**. Accordingly, Defendants' motion for a protective order is **DENIED**, in part, to the extent it seeks to preclude the deposition of defendant Skrynecki.

In light of these rulings, Plaintiff's motion [DE 36] is GRANTED, in part, to the extent it seeks an extension of the March 30, 2016 discovery deadline in order to complete the deposition of defendant Skynecki. The discovery deadline is now set at August 5, 2016. The Court sees no basis for the imposition of sanctions at this time. Accordingly, Plaintiff's motion is DENIED, in part, to the extent it seeks sanctions against Defendants.

4. Although the Court did not discuss scheduling with the parties during the motion hearing, the Court is adjusting the Final Scheduling Order as follows to account for the additional discovery to be completed in this action.

FINAL SCHEDULING ORDER:

- Deadline for completion of all discovery: August 5, 2016
- Moving party's Rule 56.1 Statement of Undisputed Facts must be served by: August 26, 2016
- Opposing party's Rule 56.1 Counterstatement must be served by: September 16, 2016
- Any letter request for a pre-motion conference to Judge Spatt for purposes of making a summary judgment motion must be filed by: September 30, 2016
- Proposed Joint Pre-Trial Order must be filed on ECF by: December 9, 2016
- **Pre-Trial Conference will be held on:** **December 16, 2016 at 2 p.m.**

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge